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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,035	03/08/2005	Mauro Antonio Giacomello	FR920020015US1	5566
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EXAMINER				
GAMIL TEJAL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,035

Applicant(s)

GIACOMELLO, MAURO ANTONIO

Examiner

TEJAL J. GAMI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Applicant's arguments filed in APPEAL BRIEF dated January 14, 2008 have been fully considered and are persuasive. The finality indicated in the previous office action has been withdrawn. This action is made non-final. The period for response to this office action has been restarted.

This office action is responsive to the Appeal Brief filed January 14, 2008, and takes into consideration claim amendments entered May 21, 2007 and August 16, 2007 for the patent application 10/527035.

Status of Claims

2. Claims 1-3, 5, 6, 9, 12, 15, 16, 19, 20, 23, and 25-36 were rejected in the First Action On the Merits dated March 06, 2007.

As a response to the March 06, 2007 First Office action, Applicant has amended Claim 25, cancelled Claims 1-24 and 26-36, and added Claim 37.

As a response to the August 10, 2007 Final Office action, Applicant amended claim 25 to correct a clerical error.

As a response to the November 08, 2007 Advisory Action, Applicant Filed an Appeal Brief.

Examiner found the arguments presented in the Appeal Brief to be persuasive. Examiner vacated the finality of the August 10, 2007 office action and submitted another

Final Rejection. However, as requested by applicant's representative, the previous office action is now being made non-final, giving applicant an opportunity to amend and argue, in an effort to advance the subsequent office action to the board of appeals or to allowance.

Claims 25 and 37 are now pending in this office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Long (EP Patent Number 0 969 363).

As to independent claim 25, Long discloses a data processing method for managing transactions (see Abstract), comprising:

providing at least one resource manager RM for managing changes to respective system resources (see Col. 2, Paragraph [0006], Lines 31-34) of a data processing system (e.g., resource managers reside on more than one server computer in a distributed network) (see Col. 12, Lines 51-52);

providing a resource manager coordinator RMC (e.g., transaction manager) for coordinating commit-backout activities of the at least one resource manager (see Col.

12, Paragraph [0039], Lines 47-52), said resource manager coordinator RMC (e.g., transaction manager) being hosted by the data processing system (see Col. 12, Paragraph [0039], Lines 47-52);

receiving, by the data processing system, a business service request from a remote computer system to perform a task (e.g., ATM transaction) (see Col. 4, Paragraph [0014], Line 49), said task comprising both compliant processes complying with a commit/backout protocol and non-compliant processes not complying with a commit/backout protocol (e.g., two phase commit protocol) (see Col. 4, Paragraph [0013], Line 26) , said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system (e.g., distributed network) (see Col. 12, Line 52) that is coupled to the data processing system by a labile link (see Col. 8, Paragraph [0025]);

providing at least one extended resource manager ERM comprised by the data processing system for managing an execution and compensation of the task (e.g., non-transactional resources, legacy resource managers, compensating resource management) (see Col. 3, Paragraphs [0009]-[0010]), said resource manager coordinator RMC being adapted to coordinate compensation services of the at least one extended resource manager ERM (e.g., compensating resource manager) (see Col. 3, Line 56 to Col. 4, Line 8);

determining by the at least one extended resource manager ERM (e.g., non-transactional resources, legacy resource managers, compensating resource management) (see Col. 3, Paragraphs [0009]-[0010]), upon receipt of a backout request

resulting from the execution of the compliant processes running on the data processing system and the non-compliant processes running on the counterpart processing system (e.g., resource managers reside on more than one server computer in a distributed network) (see Col. 12, Lines 51-52), compensation actions to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes (see Col. 5, Lines 7-12), wherein changes to the system resources resulting from the execution of the non-compliant processes transform the system resources into a mutually inconsistent state (see Col. 14, Paragraph [0044]), and wherein the changes to the system resources resulting from the execution of the non-compliant processes cannot be backed out to transform the system resources from the mutually inconsistent state to the initially consistent state due (e.g., irreversible) (see Col. 14, Paragraph [0044]) to the labile link (see Col. 8, Paragraph [0025]) and associated communication problems between the data processing system and the counterpart processing system (e.g., fault isolation) (see Col. 10, Lines 13; and Col. 12, Lines 51-52);

recording information, by an information recording service, concerning the compensation actions performed during the execution of the non-compliant processes (see Col. 19, Line 49 to Col. 20, Line 41);

determining, by the extended resource manager ERM (e.g., compensating resource manager), the compensation actions on the basis of the information recorded by the information recording service (see Col. 19, Line 49 to Col. 20, Line 41);

backing out the changes to the system resources resulting from execution of the compliant processes before performing the compensation actions, resulting in generation of misaligned logically-correlated data associated with the task (e.g., prepare phase) (see Col. 4, Paragraph [0014]);

after completion of said backing out and before performing the compensation actions, rendering the misaligned logically-correlated data public to other tasks (e.g., notification) (see Col. 4, Paragraph [0014]); and

performing the compensation actions (e.g., compensator) after said rendering the temporarily misaligned logically-correlated data (e.g., prepare phase) public to other tasks (e.g., notification) (see Col. 4, Paragraph [0014]).

As to dependent claim 37, Long teaches the method of claim 25, wherein the data processing system is a front-end server of a banking system, wherein the remote computer comprises a bank ATM from which the business service request is received by the data processing system (e.g., ATM transaction) (see Col. 4, Paragraph [0014], Line 49), and wherein the counterpart processing system is a server in a banking agency (see Col. 10, Paragraph [0032]).

Response to Arguments

5. Applicant's amendments and arguments filed May 21, 2007, August 16, 2007, and January 14, 2008 have been fully considered. The amendments do not overcome the original art rejection and the arguments are not persuasive. The following are the Examiner's observations in regard thereto.

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Applicant Argues:

As a first example of why Long does not anticipate claim 25, Long does not teach the feature of managing execution and compensation of a task subject to "said task comprising both compliant processes complying with a commit/backout protocol and non-compliant processes not complying with a commit/backout protocol" (emphasis added).

Long teaches execution and compensation of a task comprising compliant processes complying with a commit/backout protocol but is totally silent as to non-compliant processes not complying with a commit/backout protocol.

Examiner Responds:

Examiner is not persuaded. See Col. 3, Line 56 to Col. 4, Line 8 where the prior art teaches a compensating resource manager is provided for each non-compliant or legacy durable resource. Under such considerations, the prior art teaches non-compliant processes.

Applicant Argues:

As a second example of why Long does not anticipate claim 25, Long does not teach the feature: "said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system that is coupled to the data processing system by a labile link".

As explained supra, Long is totally silent as to non-compliant processes not complying with a commit/backout protocol. In addition, Long most certainly does not teach of a task whose compliant processes complying with a commit/backout protocol are running on the data processing system and whose non-compliant processes not complying with a commit/backout protocol running on a counterpart processing system that is coupled to the data processing system by a labile link.

Examiner Responds:

Examiner is not persuaded. See office action above for claim limitations met by the prior art. For example, Long teaches said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system (e.g., distributed network) (see Col. 12, Line 52) that is coupled to the data processing system by a labile link (see Col. 8, Paragraph [0025]). Under such considerations, the claims as written are anticipated by the prior art.

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Applicant Argues:

As a third example of why Long does not anticipate claim 25, Long does not teach the feature: "determining by the at least one extended resource manager (ERM), upon receipt of a backout request resulting from the execution of the compliant processes running on the data processing system and the non-compliant processes running on the counterpart processing system, compensation actions to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes, wherein changes to the system resources resulting from the execution of the non-compliant processes transform the system resources into a mutually inconsistent state" (emphasis added).

Examiner Responds:

Examiner is not persuaded. For example, see prior art Col. 5, Lines 7-12 for compensator to complete transaction processing as if there had not been a failure; and Col. 14, Paragraph [0044] for actions depending on the resource and irreversible real operations. Under such considerations, the prior art teaches differing states.

Applicant Argues:

As a fourth example of why Long does not anticipate claim 25, Long does not teach the feature: "wherein the changes to the system resources resulting from the execution of the non-compliant processes cannot be backed out to transform the system resources from the mutually inconsistent state to the initially consistent state due to the labile link and associated communication problems between the data processing system and the counterpart processing system" (emphasis added)

The preceding feature of claim 25 recites the impossibility of transforming the system resources from the mutually inconsistent state to the initially consistent state, which Long does not teach.

In addition, the preceding feature of claim 25 recites the cause of the impossibility of transforming the system resources from the mutually inconsistent state to the initially consistent state, said cause being "the labile link and associated communication problems between the data processing system and the counterpart processing system", which Long does not teach. Moreover, Long does not identify non-compliant processes in the context of tile preceding feature.

Examiner Responds:

Examiner is not persuaded. In addition to claim limitations presented in the office action above, see for example, prior art Col. 14, Paragraph [0044] for irreversible real

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operations. Under such considerations, the claims as written are anticipated by the prior art.

Applicant Argues:

As a fifth example of why Long does not anticipate claim 25, Long does not teach the feature: "recording information, by an information recording service, concerning the compensation actions performed during the execution of the non-compliant processes; determining, by the extended resource manager (ERM), the compensation actions on the basis of the information recorded by the information recording service" are not disclosed in Long.

Examiner Responds:

Examiner is not persuaded. See prior art Col. 19, Line 49 to Col. 20, Line 41 for the process resource manager determines compensation actions on the basis of the information recorded by the information recording service. Under such considerations, the prior art anticipates the claims as written.

Applicant Argues:

As a sixth example of why Long does not anticipate claim 25, Long does not teach the feature: "backing out the changes to the system resources resulting from execution of the compliant processes before performing the compensation actions, resulting in generation of misaligned logically-correlated data associated with the task; after completion of said immediately backing out and before performing the compensation actions, rendering the misaligned logically-correlated data public to other tasks; and performing the compensation actions after said rendering the temporarily misaligned logically-correlated data public to other tasks".

The preceding feature recites performance of three method steps in accordance with the recited sequential timing, which Long does not teach. These three sequentially-ordered steps are:

- (1) "backing out the changes to the system resources resulting from execution of the compliant processes ...";
- (2) "rendering the misaligned logically-correlated data public to other tasks"; and
- (3) "performing the compensation actions"

Examiner Responds:

Examiner is not persuaded. See office action above and prior art Col. 4, Paragraph [0014] for compensation actions and newly presented limitations taught by the prior art. Under such considerations, the prior art anticipates the claims as written.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/
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